



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,930	04/06/2000	John David Colleran	202732	8589

7590

09/03/2003

Leydig Voit & Mayer LTD
Two Prudential Plaza
Suite 4900
180 North Stetson
Chicago, IL 60601-6780

EXAMINER

LEWIS, ADAM M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/543,930

Applicant(s)

COLLERAN ET AL.

Examiner

Adam M Lewis

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19, 21, 22 and 24-27 is/are allowed.
- 6) ☒ Claim(s) 1-15, 20, 23, 28-30 and 32-35 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-15, 20, 23, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of a parenthesized phrase "(if there is a delay greater than a predetermined threshold in handling events queued in an event queue for handling by the first application)" causes the claim to be indefinite. It is unclear to the examiner whether or not applicant intends the parenthesized statement to be considered a limitation. It is suggested to either remove the parentheses or the entire phrase.

3. Claims 20 and 23 recite the limitation "step of forwarding" in the first line of both claims. There is insufficient antecedent basis for this limitation in the claim.

Examiner respectfully suggests the following modifications:

Claim 20: "step of forwarding" change to –cached input–

Claim 23: "step of forwarding includes forwarding the input" change to –
cached input gets forwarded–

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2174

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4, 6, 28, 29, 30, and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Boston ("Boston", US# 5,515,493).

As per independent claim 1, Boston describes a method for managing a user interface in a multithreaded computing environment, the user interface comprising a plurality of user interface elements wherein a first user interface element in the plurality of user interface elements corresponds to a first application, wherein furthermore the first application having a first thread having control over the first user interface element (inherent in Boston, col. 2, lines 18-23), method comprising the steps of:

signaling a hung state for the first application, if there is a delay greater than a predetermined threshold in handling events queued in an event queue for handling by the first application (inherent in halted applications);

creating a ghost user interface element, with a ghost thread, responsively to a hung signal indicating the first application is in the hung state wherein the ghost user interface element replaces the first user interface element in the user interface (Boston, col. 2, lines 23-35);

placing a high priority special event in the event. queue for handling by the first application wherein handling of the special event generates a activity-detect message (Boston, col. 4, lines 50-52); and

detecting the wakeup message and responsively to the activity-detect message replacing the ghost user interface element by the first user interface element (Boston, col. 4, lines 59-61).

Independent claims 30 and 35 are similar to claim 1, and are therefore rejected under similar rationale.

As per claim 3, which is dependent on claim 1, Boston teaches the method of claim 1 wherein the step of detecting the activity-detect message further comprises releasing, responsively to the activity-detect message, resources used by the ghost user interface element (inherent in Boston, col. 4, lines 59-61).

As per claim 4, which is dependent on claim 1, Boston teaches the method of claim 1 wherein the step of creating the ghost user interface element includes creating the ghost thread, which, in turn, creates the ghost user interface element (inherent in Boston, col. 2, lines 24-35).

As per claim 6, which is dependent on claim 1, Boston teaches the method of claim 1 wherein the step of creating the ghost user interface element includes creating the ghost user interface element in the area occupied by the first user interface element (Boston, col. 2, 52-55).

As per independent claim 28, Boston teaches a method of using a designated scheduled code path for providing substitute user interfaces for replacing user interfaces corresponding to a plurality of scheduled code paths (inherent in Boston, col. 4, lines 61-62), the comprising the steps of:

generating a first flip-window signal corresponding to a first scheduled code path (Boston, col. 2, lines 23-30);

generating a second flip-window signal corresponding to a second scheduled code path (inherent in Boston, col. 4, lines 59-61);

replacing, responsively to the first flip-window signal, a first window controlled by the first scheduled path with a first substitute window controlled by the designated scheduled code path (Boston, col. 2, lines 24-35); and

replacing, responsively to the second flip-window signal, a second window controlled by the second scheduled path with a second substitute window controlled by the designated scheduled code path (Boston, col. 2, lines 24-35).

As per claim 29, which is dependent on claim 28, Boston teaches the method of claim 28, the method further having the steps of generating a first flop-window signal; and replacing, responsively to the first flop-window signal, a first substitute window controlled by the designated scheduled code path with the first window controlled by the first scheduled path (Boston, col. 4, lines 59-61).

As per claim 32, which is dependent on claim 30, Boston teaches the system of claim 30 further having a second non-responsive application with a second user interface and a second ghost user interface created by the ghost thread (inherent in Boston, col. 5, lines 54-57).

As per claim 33, which is dependent on claim 30, Boston teaches the system of claim 30 further having a responsive-application detecting code for detecting when a non-responsive application becomes responsive (Boston, col. 4, lines 59-61).

As per claim 34, which is dependent on claim 30, Boston teaches the system of claim 33 further having a responsive-application user interface restoring code for replacing the first ghost user interface with the first user interface responsively to detecting that the first application has become responsive (Boston, col. 4, lines 59-61).

Allowable Subject Matter

20 and 23

- ✶ 6. Claims 2, 5, and 7-15_Λ would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
7. Claims 16-19, 21-22, and 24-27 are allowed.
8. Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claim 35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2174

Penna (US 4712191 A) teaches a display system with nested information display.

Dawes (US 4890098 A) teaches flexible window management on a computer display.

Jones et. al. (US 5363483 A) teaches updating objects displayed in a computer system.

Staab (US 5499334 A) teaches a method and system for displaying window configuration of inactive programs.

Griffith et. al. (US 5524263 A) teaches a method and apparatus for partial and full stall handling in allocation.

Lynch-Freshner et. al. (US 5668997 A) teaches an object-oriented system for servicing windows.

Nakajima (US 5805892 A) teaches a method of and apparatus for debugging multitask programs.

Elliott (US 5911060 A) teaches a computer method and apparatus for unfreezing an apparently frozen application program being executed under control of an operating system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

Application/Control Number: 09/543,930
Art Unit: 2174

Page 8

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

al

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100